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REMARKS

Claims 1- 28 are pending in this application with claims 1 – 4, 6, 10, 13, 16, 17, 20, 21, 25 and 26 being amended and claims 27 and 28 being cancelled by this response.

Claim 1 is amended to recite that the "product information" includes "associated vendor product pricing information. Claim 1 is also amended to recite "a data processor...for updating said first database information to incorporate received product information including product sales data and contract sales terms of a vendor" and "an interface processor for communicating updated product price information to a system derived based on said product sales data and contract sales terms of said vendor in response to user command". Support for these features is found throughout the specification and more specifically on pages 3 – 5 of the present specification and in Figures 1 – 3. Independent claims 16 and 21 have been amended similarly to independent claim 1. Therefore, Applicant respectfully submits that no new matter is added by the amendments to claims 1, 16 and 21.

Claim 4 is amended similarly to independent claim 1 and is further amended to recite that "a data processor...recalculates purchase pricing of products using said product sales data and contract sales terms". Support for this feature is found on page 12, lines 5 – 21 of the specification. Claims 2, 3, 20 and 25 have been amended similarly to include this additional feature added in the amendment to claim 4. Therefore, Applicant respectfully submits that no new matter is added by this amendment.

Claim 6 is amended to recited that "said data processor processes said received product information to at least one of, (a) identify incorrect product prices, (b) identify purchase contractual discrepancies, and (c) identify items not covered by a purchase contract". Support for this feature is found on page 5, lines 13 – 28 of the specification. Therefore, Applicant respectfully submits that no new matter has been added by this amendment.

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Claim 13 has been amended to recite "data processor matches records between said received product information and said first database information by matching (a) corresponding part numbers, (b) corresponding item descriptions, (c) corresponding product names and (d) corresponding UPN codes". Support for this amendment is found on page 9, line 13 – page 10, line13. Therefore, Applicant respectfully submits that no new matter has been added by this amendment.

Claim 26 has been amended to further recite "the activities of...automatically modifying at least one element of the updated product information in the first database according to predetermined rules, and initiating display of at least one of updated and modified product information in response to user command." Support for this amendment is found on pages 3 – 5 of the specification. Therefore, Applicant respectfully submits that no new matter has been added by this response.

Rejection of Claims 1-13 and 16 - 28 under 35 USC § 102(a)

Claims 1 – 13 and 16 – 28 are rejected under 35 USC 102(a) as being anticipated by Spiller (WO 01/08034).

The present claimed invention provides a system for processing product information for supporting commercial transactions. The system includes a first database for maintaining product information including product description, product vendor and associated vendor product pricing information. A data processor receives product information and updates the first database information to incorporate received product information including product sales data and contract sales terms of a vendor in response to detection of matching records between the received product information and the first database information. An interface processor communicates updated product price information to a system derived based on the product sales data and contract sales terms of the vendor in response to user command. Independent claims 1 and 4 include similar limitations and therefore the arguments presented below are applicable to both claims 1 and 4.

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Spiller describes an electronic document processing system and method for processing documents between trading partners for a transaction. Spiller is an intermediary system able to process orders for goods and services between at least one buyer and one seller. The system allows a user to submit a form, i.e. an invoice or a purchase order, in a proprietary format and allows for that form to be output to any other necessary contracting party in a format understood and acceptable to the other party. This system is active and useful only after orders have been placed by buyers. Therefore, Applicant respectfully submits that Spiller is unlike the present claimed invention and thus cannot anticipate the present claimed invention.

Specifically, the present claimed invention is designed to accomplish very different goals and accomplishes these goals in a different manner than the system of Spiller. The present claimed invention is concerned with maintaining consistency and accuracy of internal data prior to an order being placed and/or processed. This is particularly useful in large scale ordering scenarios whereby the order and pricing structure is complex. The present claimed invention insures that "product information including product sales data and contract sales terms of a vendor" is updated in "said first database". Thus, the system of the present claimed invention reduces and/or eliminates the need to create pricing adjustments and issue credits and/or rebates to either a supplier or a buyer thereby reducing the amount of "clean-up" work needed due to the synchronization of inventory items in a Material Management Information System (see Application, page 3, lines 5 – 12).

Therefore, Spiller neither discloses nor suggests "product information including product description, product vendor and associated vendor product pricing information" as in the present claimed invention. Additionally, Spiller et al. neither disclose nor suggest "updating said first database information to incorporate received product information including **product sales data** and **contract sales terms** of a vendor in response to detection of matching records between said received product information and said first database information" as in the present claimed invention. Rather, Spiller describes a database maintenance system that allows a third party to submit a

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maintenance document to either add or change a record stored in the database wherein the record includes information about the third party and products made available thereby. The Spiller system receives the maintenance document and checks and adds new information based on the information contained in the maintenance document. This is unlike the present claimed invention which provides for "updating said first database information to incorporate received product information including **product sales data and contract sales terms** of a vendor".

Furthermore, Spiller neither discloses nor suggests "communicating updated product **price** information to a system derived based on said product **sales data and contract sales terms** of said vendor in response to a user command" as in the present claimed invention. Thus, the system of the present claimed invention does not merely maintain the database as in Spiller, but rather utilizes "product sales data and contract sales terms of said vendor" to obtain updated "product price information" to be communicated to a system. This feature is neither disclosed nor suggested by Spiller which merely insures that accurate data is stored in the database. Therefore, it is respectfully submitted that Spiller neither anticipates nor makes unpatentable the present claimed invention.

With respect to claims 2 and 3, in addition to being patentable for the reasons discussed above regarding claim 1, Spiller neither discloses nor suggests that "said data processor **recalculates** purchase pricing of products using said product sales data" (claim 2) or "said contract sales terms" (claim 3). Rather, Spiller is an intermediary system that manipulates the form in which data is entered and then subsequently output. Thus, Spiller is unlike the arrangements claimed in claims 2 and 3 which recalculate item pricing information based on either "product sales data" or "contract sales terms".

This highlights the differences between the operation and objective of the system of the present claimed invention and the system disclosed by Spiller. Spiller provides a system for order goods and services from a supplier by a buyer. This is unlike the present claimed system which allows partners, i.e. Group Purchasing Organizations, Healthcare

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Providers and Suppliers, to keep their catalog price and contract information in sync so that **prior to ordering,** the respective partner is assured that the pricing on the order is correct thereby significantly reducing and/or eliminating problems associated with matching an invoice and an order after the order has been placed that is typically associated with other systems, such as the one disclosed by Spiller.

The present system as claimed in claim 4 discloses a system for processing product information for supporting commercial transactions. The system includes a first database for maintaining product information including product description, product vendor and associated vendor product pricing information. A data processor receives product information and updates the first database information to incorporate received product information including product sales data and contract sales terms of a vendor and recalculates purchase pricing of products using said product sales data and contract sales terms in response to detection of a difference between stored product information and the received product information. An interface processor communicates updated product information to a system derived based on said product sales data and contract sales terms of said vendor in response to user command.

Spiller neither discloses nor suggests the above claimed system. Specifically, Spiller neither discloses nor suggest "updating said first database information to incorporate received product information including product sales data and contract sales terms of a vendor and **recalculates** purchase pricing of products using said product **sales** data and **contract sales terms** in response to detection of a difference between stored product information and said received product information" as in the present claimed invention. Additionally, Spiller neither discloses nor suggests "communicating updated product price information to a system derived based on said product sales data and contract sales terms of said vendor in response to user command" as in the present claimed invention.

These features enable the present claimed system to "regularly synchronize its catalog of product items and associated pricing" by being able to "recalculate item price information...based on prior product purchases. Prices obtainable by system 17 may reduce if volume discount levels are reached because of previously ordered volumes, for example. Consequently users are able to order supplies via purchasing system 17 with accurate contract price information regularly supplied" (Application page 12 lines 5-21).

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The system is also able to "perform a contract compliance analysis on previously purchased products and to ensure product pricing and contractual information provided to purchasing system 17 accords with typical previous requirements. Thereby e-Catalog system 13 is able to validate pricing received by purchasing system 17 and to inform purchasing system 17 of contract variances and price discrepancies and supports monitoring of contract compliance". Therefore, "purchasing system 17 is able to effectively manage contracts, place accurately priced purchase orders, accelerate re-capture of overpayments, correct contractual irregularities and identify accounting errors" (Application page 12 lines 5-21). Spiller fails to disclose or suggest the ability to accomplish the objectives associated with the above mentioned feature of claim 4.

As discussed above, Spiller is a system that functions as intermediary between a buyer and a supplier to ensure that the proper information from the buyer is submitted to the supplier. Unlike the present claimed invention, Spiller is not concerned with maintaining accurate pricing data between a plurality of trading partners such that prior to an order, correct pricing information, as determined based on "product sales data and contract sales terms of a vendor" is available to each of the partners. Spiller reformats data submitted by one party to the format required by the other party to the transaction. Spiller does not "recalculate purchase pricing of products using said product sales data and contract sales terms" as in the present claimed invention. Contrary to the present claimed invention, Spiller is not concerned with the terms governing relationships between the partners accessing their system. Spiller is merely concerned with making sure information is readable and understandable between two parties. This is wholly unlike the present claimed invention and thus, cannot anticipate the present claimed invention.

Claims 5 – 15 are dependent on independent claim 4 and are considered to be patentable for the same reasons as discussed above regarding claim 4.

Claim 16 is directed towards a system for processing product information for supporting commercial transactions. The system includes a bidirectional communication processor supporting communication with a remote application. A first database maintains product information including product description, product vendor and

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associated vendor product pricing information. An update processor communicates product usage information including product sales data and contract sales terms of a vendor to a remote application employing a second database of product information. The update processor updates product price information in the first database with corresponding acquired product information derived from the product sales data and contract sales terms in the remote second database using the communication processor in response to detection of a difference between product information in the first database and the second database. Independent claims 16 and 21 include similar limitations and therefore arguments presented below are applicable to Independent claims 16 and 21.

According to MPEP Section 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Additionally, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that this showing is not made in the Office Action. Each element of the present claimed invention, in the arrangement claimed therein, is not shown to be present in Spiller.

Specifically, Spiller neither discloses nor suggests "a bidirectional communication processor supporting communication with a remote application" as in the present claimed invention. The Office Action cites page 1, lines 15 – 16 as anticipating this feature. Applicant respectfully disagrees. What Spiller actually discloses in the cited section is the ability to send a document to a second trading partner. This is not equivalent to the claimed arrangement described hereinabove. As described above, Spiller is merely an intermediary system for translating and formatting documentation received from a first party into a format acceptable by a second party. This is not equivalent to the present claimed invention used "for updating product information in said first database with corresponding acquired product information derived from said remote second database using said <u>communication processor</u>". Spiller is able to receive documents from a first source and output either the same or reformatted documents to the second source. This

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not "bidirectional communication" as performed in the present claimed invention. Rather, Spiller describes two separate and independent unidirectional communication paths, a first path from the first source to the system and a second path from the system to the second source.

Additionally, Spiller neither discloses nor suggests "an update processor for communicating product usage information including product sales data and contract sales terms of a vendor to a remote application employing a second database of product information" as in the present claimed invention. Firstly, Spiller is not concerned with "product usage information" as in the present claimed invention. Rather, Spiller transmits electronic documents such as purchase orders or invoices between a buyer and a supplier (see Spiller, page 1, line 22 – 24). Thereafter, the Spiller system receives the document and compares the document with product information (see Spiller, page 2, lines 1 – 5). This is a validation step which determines if the transaction can be completed. The validation of a document with data in a database as performed by Spiller is **not** "updating product price information in said first database with corresponding acquired product information derived **from said product sales data and contract sales terms** from said remote second database" as in the present claimed invention. In contrast, Spiller, which validates information to determine if the transaction can proceed, obtains information from "an electronic document".

In fact, as described hereinabove, the only updating of any database performed by Spiller is performed using the "Database Maintenance Validation System" (see Spiller, page 22, line 9 – page 24, line10). Therein, it is clearly stated that records are updated using information contained in "electronic documents". This is unlike "updating product information in said first database with corresponding acquired product information derived from said product sales data and contract sales terms in said remote second database" as in the present claimed invention. Thus, the information used in updating the database in Spiller is derived from a source wholly unlike "said remote second database" in the present claimed invention.

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Furthermore, while the system disclosed by Spiller includes a database with information about products, that database is unconcerned with updating product price information" as in the present invention. Spiller communicates with a trading partner when an order is placed and makes sure each of the communications sent between the partners is understood by converting formats from a first format for a first partner to a second format for a second partner. The conversion performed by Spiller neither discloses nor suggests "updating product price information in a first database with corresponding acquired product information derived from said product sales data and contract sales terms in said remote second database" as in the present claimed invention.

Furthermore, with respect to claims 20 and 25, Spiller also neither discloses nor suggests that the processor "recalculates purchase pricing of products using said product sales data and contract sales terms and updates said first database" as in the present claimed invention. As discussed above, this feature as claimed in claims 20 and 25 allows for the present claimed system to regularly **synchronize** its catalog of product and associated pricing by "recalculate[ing] purchase pricing of products using said product sales data and contract sales terms". This provides regularly accurate contract pricing information and significantly reduces the back-end management and monitoring of contract compliance. The system disclosed by Spiller, which merely functions as a translation system cannot perform this present claimed function and thus does not anticipate nor make unpatentable the present claimed invention.

As claims 17 – 20 are dependent on independent claim 16 and claims 22 – 25 are dependent on independent claim 21, Applicant respectfully submits claims 17 – 20 and 22 – 25 are patentable for the same reasons as discussed above.

Independent claim 26 provides a method for processing product information for supporting commercial transactions, comprising the activities of maintaining, in a first database, product information including product description, product vendor and associated product pricing information. Product information is received from a remote application and the first database information is updated to incorporate received product information in response to detection of a difference between stored product information

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and received product information. At least one element of the updated product
information is automatically modified in the first database according to predetermined
rules and display of at least one of updated and modified product information is initiated
in response to user command.

Therefore, it is clear that Spiller neither discloses nor suggests "automatically
modifying at least one element of said updated product information in said first database
according to predetermined rules" as in the present claimed invention. Rather, Spiller
discloses a database maintenance system that allows a third party to submit a
maintenance document to either add or change a record stored in the database wherein the
record includes information about the third party and products made available thereby.
The Spiller system receives the maintenance document and checks and adds new
information based on the information contained in the maintenance document. This is
unlike the present claimed invention which "automatically modif[ies] at least one element
of said updated product information in said first database according to predetermined
rules". In other words, the present invention can automatically modify at least one
element of product information stored in the database after the database has been updated
"to incorporate received product information". The "predetermined rules" provide
instruction on how and whether or not to a modification is to occur. Furthermore, the
modification made in the present system as claimed in claim 26 is made on "updated
product information". Thus, the system of the present claimed invention does not merely
maintain the database as in Spiller, but rather is used for "automatically modifying at
least one element of <u>said updated product information</u> according to predetermined rules".
This feature is neither disclosed nor suggested by Spiller which merely insures that
accurate data is stored in the database. Therefore, it is respectfully submitted that Spiller
neither anticipates nor makes unpatentable the present claimed invention.

In view of the above remarks and amendments to the claims, Applicant
respectfully submits that there is no 35 USC 112 compliant enabling disclosure presented
by Spiller that anticipates the present invention as claimed in claims 1, 16, 21 and 26 –
28. As claims 2 – 13 are dependent on independent claim 1, claims 17 – 20 are
dependent on independent claim 16 and claims 22 – 25 are dependent on independent

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claim 21, it is further respectfully submitted that claims 2 – 13, 17 – 20 and 22 – 25 are also not anticipated by Spiller. Thus, it is respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection of Claims 14 and 15 under 35 USC § 103(a)

Claims 14 and 15 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Spiller.

As discussed above Spiller neither discloses nor suggests "a data processor...for updating said first database information to incorporate received product information including product sales data and **contract sales terms** of a vendor and **recalculates** purchase pricing of products using said product sales data and contract sales terms in response to detection of a difference between stored product information and said received product information" as in the present claimed invention.

The Rejection takes Official Notice that it would be obvious to include separate synchronized databases because synchronizing first database content in a second database is an art equivalent to allowing access to the first database (Rejection page 3). It is acceptable for official notice to be taken of a fact of "wide notoriety", In re Howard, 394 F. 2d 869, 157 USPQ 615, 616 (CCPA 1968) e.g. a fact commonly known to laymen everywhere, 29 AM. Jur 2D Evidence S. 33 (1994) or of a fact that is capable of "instant and unquestionable demonstration", In re Ahlert 424 F. 2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). However, official notice should not be taken of a fact normally subject to the possibility of rational disagreement among reasonable men, In re Eynde, 480 F. 2d 1364, 1370; 178 USPQ 470, 474 (CCPA 1973). It is submitted that the elements of which the Rejection takes Official Notice, in the context of claims 14 and 15, are neither features of "wide notoriety", (In re Howard), nor capable of "instant and unquestionable demonstration" (In re Ahlert). On the contrary, these features are subject to the possibility of rational disagreement given the claim arrangements within which they reside. Consequently, Applicants take exception to instance of Official Notice used

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in the rejection. Further, Applicants request that a showing be made of evidence that
these features were well known, in the context of claims 14 and 15 at the time the
invention was made. Consequently withdrawal of the Rejection of claims 14 and 15
under 35 USC 103(a) is respectfully requested.

Spiller neither discloses nor suggests separate synchronized databases as claimed
in claims 14 and 15. Applicant further respectfully submits that one would not modify the
Spiller system by adding the feature of claims 14 and 15 thereto due to the inherent
differences between the Spiller system and the system of the present claimed invention.
Specifically, the present claimed invention accomplishes a goal wholly unique from and
unrelated to the system described by Spiller. Spiller is an intermediary system able to
assist in processing purchase orders and/or invoices. The system is not concerned with
"updating said first database information to incorporate received product information
including product sales data and contract sales terms of a vendor and recalculates
purchase pricing of products using said product sales data and contract sales terms in
response to detection of a difference between stored product information and said
received product information" as in the present claimed invention.

Applicant respectfully submits that it would not be obvious to modify the system
disclosed by Spiller with the features claimed in claims 14 and 15 because there is no
suggestion in Spiller of having two databases with such product information. The
information in Spiller is clearly obtained from documents created by a third-party and
received by the system to update and be processed by a single database. Additionally,
Spiller is not concerned with "recalculating purchase pricing of products" but is instead
concerned with translation of documents as in the present claimed invention. Therefore,
Spiller neither discloses nor suggest that "said data processor automatically synchronizes
product information in said first database with corresponding product information in a
remote second database" as in the present claimed invention.

In view of the above-remarks and amendments to claim 4, Applicant respectfully
submits that there is no 35 USC 112 compliant enabling disclosure that makes the present

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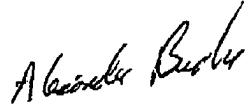Application No. 10/007,105   2001P07389US01

invention as claimed in claim 4 unpatentable. As claims 14 and 15 are dependent on claim 4, Applicant respectfully submits that claims 14 and 15 are also not made unpatentable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No additional fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 19-2179.

                                    Respectfully submitted,
                                    William A. Banks

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